

# the Human Rights Bills

**DIVINE** or  
**MAN-MADE**

?

# The need for **Human Rights**

This leaflet introduces just some of the laws that have been passed in the modern era in an attempt to treat many of the symptoms that we find with the abuse of humanity.

**H**uman rights violations occur on many levels within different facets of society; they occur between individuals, between different communities and within different countries on different scales. They may occur when an individual believes that he has more right than another human, that he has greater power, more money, a certain birth-right, a superior skin colour or is the stronger of the sexes. So we find these violations occurring for example where an employer abuses his worker, or where one community in a country believes that they are superior and they try to oppress



*Does man think that he will be left neglected without being punished or rewarded for the obligatory duties enjoined by his Lord (Allah) on him? ...*

*[75:36-40]*

another community such as found in the years of Apartheid, or where a whole country effectively perpetrates genocide such as in the former Yugoslavia.

Ultimately, all of these abuses stem from an misuse of power, and an acknowledgement that they will occur unless the perpetrators are caught and punished by another human. We live in an era that promotes the belief that upon death there is no more, that there is no accountability, that life came from nothing and indeed will return to nothing. This has an important impact upon the behaviour of man,

for it allows him to fear only another human, and the fear of being caught. Within many societies, people consider themselves above

*We live in an era that promotes the belief that upon death there is no more, that there is no accountability*

the law, for they feel that they have enough influence or protection from the people, and so can commit the crimes that they wish. Hence you find the legislature forced into creating rules to govern mankind.



# The Magna Carta

Also called the Magna Carta Libertatum (the Great Charter of Freedoms), is an English legal charter, originally issued in the year 1215. It was written in Latin and is known by its Latin name. The usual English translation of Magna Carta is Great Charter.



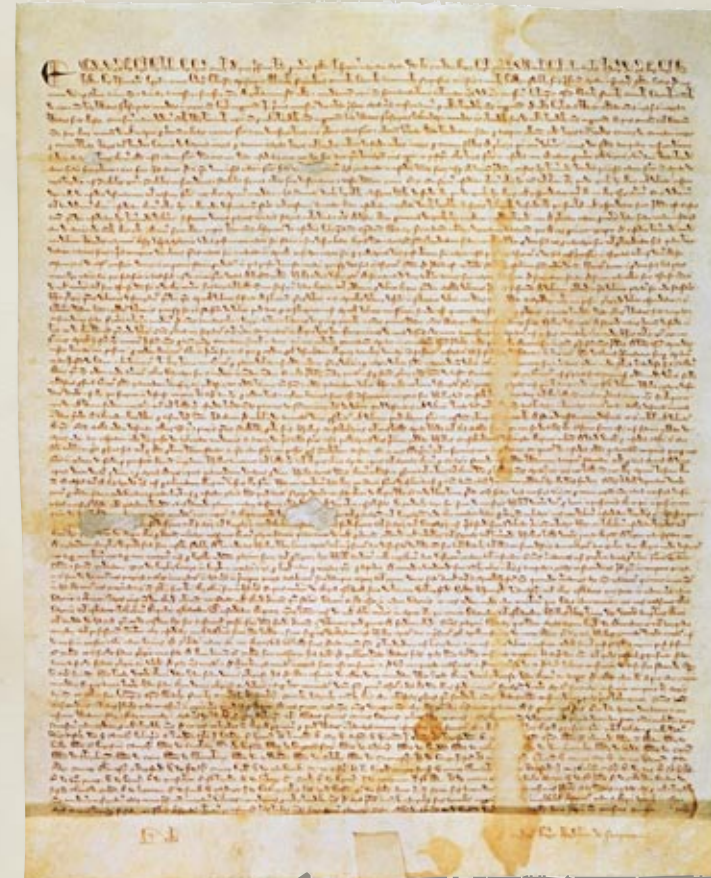
King John of England  
Reign: 6 April 1199 – 19 October 1216

Magna Carta required King John of England to proclaim certain rights (pertaining to free men), respect certain legal procedures, and accept that his will could be bound by the law. It explicitly protected certain rights of the King's subjects, whether free or fettered — and implicitly supported what became the writ of habeas corpus, allowing appeal against unlawful imprisonment.

Magna Carta was arguably the most significant early influence on the extensive historical process that led to the rule of constitutional law today in the English speaking world. Magna Carta influenced the development of the common law and many

constitutional documents, including the United States Constitution. Many clauses were renewed throughout the Middle Ages, and continued to be renewed as late as the 18th century. By the second half of the 19th century, however, most clauses in their original form had been repealed from English law.

Magna Carta was the first document forced onto an English King by a group of his subjects (the barons) in an attempt to limit his powers by law and protect their privileges. It was preceded by the 1100 Charter of Liberties in which King Henry I voluntarily stated that his own powers were under the law.



Magna Carta Libertatum  
"the Great Charter of Freedom"  
Issued in 1215



In practice, Magna Carta in the medieval period mostly did not limit the power of Kings; but by the time of the English Civil War it had become an important symbol for those who wished to show that the King was bound by the law.

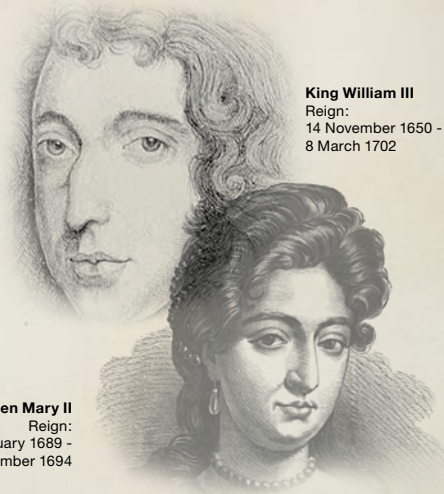
*Magna Carta was the first document forced onto an English King by a group of his subjects...*

Magna Carta is normally understood to refer to a single document, that of 1215. Various amended versions of Magna Carta appeared in subsequent years however, and it is the 1297 version which remains on the statute books of England and Wales.



# The Bill of Rights

An act of the Parliament of England, whose title is An Act Declaring the Rights and Liberties of the Subject and Settling the Succession of the Crown. It is often called the English Bill of Rights.



King William III  
Reign:  
14 November 1650 -  
8 March 1702

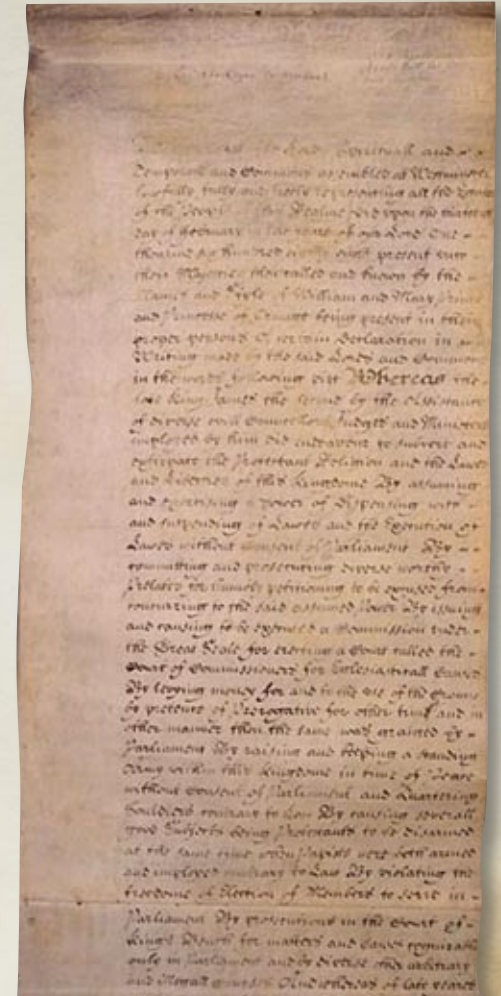
Queen Mary II  
Reign:  
13 February 1689 -  
28 December 1694

The Bill of Rights was passed by Parliament in December 1689 and was a re-statement in statutory form of the Declaration of Right, presented by the Convention Parliament to William and Mary in March 1688, inviting them to become joint sovereigns of England. It enumerates certain rights to which subjects and permanent residents of a constitutional monarchy were thought to be entitled in the late 17th century, asserting subjects' right to petition the monarch, as well as to have arms in defence. It also sets out—or, in the view of its drafters, restates—certain constitutional requirements of the Crown to

seek the consent of the people, as represented in parliament.

Along with the 1701 Act of Settlement the Bill of Rights remains, today, one of the main constitutional laws governing the succession to not only the throne of the United Kingdom, but, following British colonialism, the resultant doctrine of reception, and independence, also to those of the other Commonwealth realms, whether by willing deference to the act as a British statute or as a patriated part of the particular realm's constitution. Since the implementation of the Statute of Westminster in each of the Commonwealth

realms (on successive dates from 1931 onwards) the Bill of Rights cannot be altered in any realm except by that realm's own parliament, and then, by convention, and as it touches on the succession to the shared throne, only with the consent of all the other realms. In the United Kingdom, the Bill of Rights is further accompanied by the Magna Carta, Habeas Corpus Act 1679 and Parliament Acts 1911 and 1949 as some of the basic documents of the uncoded



The Bill of Rights  
"English Bill of Rights"  
Issued in 1689

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British constitution. A separate but similar document, the Claim of Right Act, applies in Scotland. The English Bill of Rights 1689 inspired in large part the United States Bill of Rights.

# The Universal Declaration of Human Rights (UDHR)

A non-binding declaration adopted by the United Nations General Assembly in 1948, partly in response to the atrocities of World War II.

Although the UDHR is a non-binding resolution, it is now considered to be a central component of international customary law which may be invoked under appropriate circumstances by national and other judiciaries. The UDHR urges member nations to promote a number of human, civil, economic and social rights, asserting these rights are part of the "foundation of freedom, justice and peace in the world." The declaration was the first international legal effort to limit the behaviour of states and press upon them duties to their citizens following the model of the rights-duty duality.

The Universal Declaration was bifurcated into two distinct and different covenants, a Covenants on Civil and Political Rights and



another Covenant on Economic, Social and Cultural Rights. Over the objection of the more developed states [Capitalist], which questioned the relevance and propriety of such provisions in covenants on human rights, both begin with the right of people

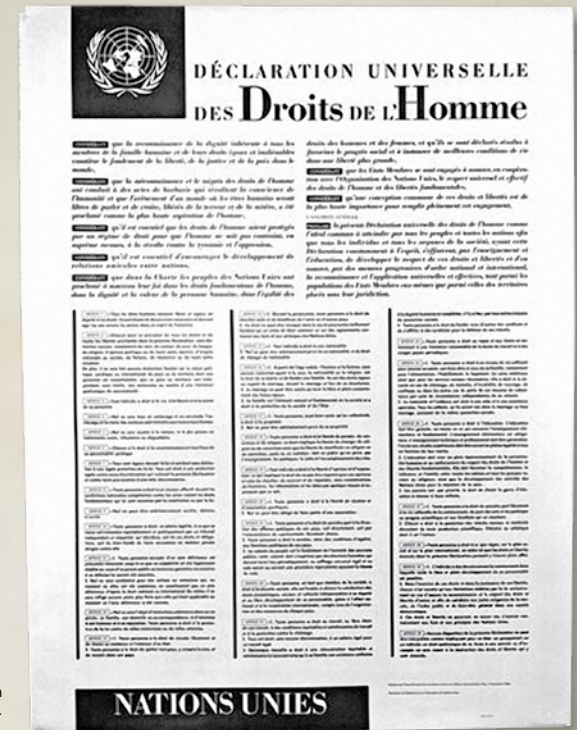
to self-determination and to sovereignty over their natural resources. Then the two covenants go different ways:

- The International Covenant on Civil and Political Rights (ICCPR)
- The International Covenant on Economic, Social and Cultural Rights (ICESCR)

These were adopted by the United Nations in 1966, between them making the rights contained in the UDHR binding on all states that have signed this treaty, creating human rights law. Since then numerous other treaties (pieces of legislation) have been offered at the international level. They are generally known as human rights instruments. Some of the most significant are:

- Convention on the Elimination of All Forms of Racial Discrimination (CERD) (adopted 1966, entry into force: 1969)
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (entry into force: 1981)
- United Nations Convention Against Torture (CAT) (adopted 1984, entry into force: 1984)
- Convention on the Rights of the Child (CRC) (adopted 1989, entry into force: 1989)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW) (adopted 1990, entry into force: 2003).

The Declaration of Human Rights as a poster in French.





# Human Rights and Islam

There is a belief, be it implied or explicit, that these man-made bills are the foundations of good behaviour for the modern world, and before this time there was simply a lack of respect for the rights of humanity.

*Does man think that he will be left neglected without being punished or rewarded for the obligatory duties enjoined by his Lord (Allah) on him? ...*

[75:36-40]



Many of the laws, mentioned previously have been drafted recently, and are actually astounding if you look at them and ponder. It is only in 1966 that the UN passes resolutions to protect the rights of those subjected to mistreatment on the basis of Race and Ethnicity. Further, it is only in 1981 that the United Nations sees that it is fit for the rights of Women to be protected, for there was inadequate protection before this.

As societies develop, and move towards globalisation and the associated lack of morality that is often attached to it, so there is a need to establish new rules and regulations, such as the International Convention on the Protection of the Rights

of All Migrant Workers and Members of their Families rules passed in 2003. It is of great surprise that the rules relating to Immigrant Workers were adopted in 1990, but there was great resistance to their implementation for 13 years, an amazing amount of time. This illustrates that there are world leaders who resisted these rulings and has the implication that they condone the mistreatment of Workers.

Islam has one outlook on Human Rights. After the Right of God, the rights of Humans must be upheld. These have been highlighted throughout the Islamic history, and can be clearly illustrated in three events.

# The Constitution of Medina

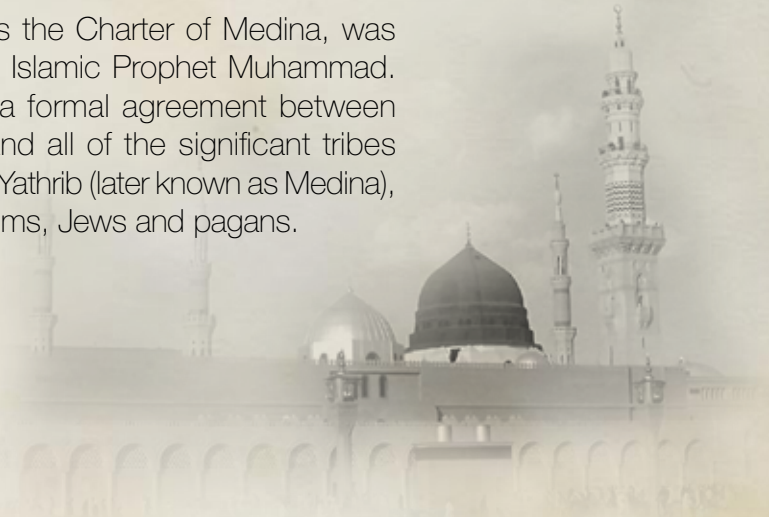
Also known as the Charter of Medina, was drafted by the Islamic Prophet Muhammad. It constituted a formal agreement between Muhammad and all of the significant tribes and families of Yathrib (later known as Medina), including Muslims, Jews and pagans.

The document was drawn up with the explicit concern of bringing to an end the bitter inter tribal fighting between the clans of the Aws (Aus) and Khazraj within Medina. To this effect it instituted a number of rights and responsibilities for the Muslim, Jewish, and pagan communities of Medina bringing them within the fold of one community - the Ummah.

The precise dating of the Constitution of Medina remains debated but generally scholars agree it was written shortly after the Hijra (622). It effectively established

*The Medina Constitution also instituted peaceful methods of dispute resolution among diverse groups living as one people but without assimilating into one religion, language, or culture.*

the first Islamic state. The Constitution established: the security of the community, religious freedoms, the role of Medina as a *haram* or sacred place (barring all violence and weapons), the security of women, stable tribal relations within Medina, a tax system for supporting the community in time of



conflict, parameters for exogenous political alliances, a system for granting protection of individuals, a judicial system for resolving disputes, and also regulated the paying of Blood money (the payment between families or tribes for the slaying of an individual in lieu of *lex talionis*)

Constitution was not a treaty in the modern sense, but a unilateral proclamation by Muhammad, Bernard Lewis states. One of the constitution's more interesting aspects was the inclusion of the Jewish tribes in the Ummah, the Jewish tribes were "one community with the believers," but they "have their religion and the Muslims have theirs."

Legal Scholar L. Ali Khan says the Constitution of Medina was a social contract derived from a treaty and not from any fictional state of nature or from behind the Rawlsian veil of ignorance. The contract was built upon the concept of one community of diverse tribes living under the sovereignty of one God.

Dr. Muhammad Tahir-ul-Qadri has written a book called the Constitutional

Analysis of the Constitution of Medina which states an analysis and review of the Constitution. He has categorised the headings of the articles according to the modern legal constitutions consisting of 63 articles.

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The Medina Constitution also instituted peaceful methods of dispute resolution among diverse groups living as one people but without assimilating into one religion, language, or culture. Welch in Encyclopedia of Islam states: "The constitution reveals his Muhammad's great diplomatic skills, for it allows the ideal that he cherished of an ummah (community) based clearly on a religious outlook to sink temporarily into the background and is shaped essentially by practical considerations.

## The Last Sermon of Prophet Muhammad

This was delivered on the Ninth Day of Dhul Hijjah 10 A.H. in the 'Uranah valley of Mount Arafat' (in Mecca).

*After praising, and thanking Allah he said:*

*"O People, lend me an attentive ear, for I know not whether after this year, I shall ever be amongst you again. Therefore listen to what I am saying to you very carefully and TAKE THESE WORDS TO THOSE WHO COULD NOT BE PRESENT HERE TODAY.*

*O People, just as you regard this month, this day, this city as Sacred, so regard the life and property of every Muslim as a sacred trust. Return the goods entrusted to you to their rightful owners. Hurt no one so that no one may hurt you. Remember that you will indeed meet your LORD, and that HE will indeed reckon your deeds. ALLAH has forbidden you to take usury (interest), therefore all interest obligation shall henceforth be waived. Your capital, however, is yours to keep. You will neither inflict nor suffer any inequity. Allah has Judged that there shall be no interest and that all the interest due to Abbas ibn 'Abd'al Muttalib (Prophet's uncle) shall henceforth be waived...*

*Beware of Satan, for the safety of your religion. He has lost all hope that he will ever be able to lead you astray in big things, so beware of following him in small things.*

*O People, it is true that you have certain rights with regard to your women, but they also have rights over you. Remember that you have taken them as your wives only under Allah's trust and with His permission.*



*If they abide by your right then to them belongs the right to be fed and clothed in kindness. Do treat your women well and be kind to them for they are your partners and committed helpers. And it is your right that they do not make friends with any one of whom you do not approve, as well as never to be unchaste.*

*O People, listen to me in earnest, worship ALLAH, say your five daily prayers (Salah), fast during the month of Ramadan, and give your wealth in Zakat. Perform Hajj if you can afford to.*

*All mankind is from Adam and Eve, an Arab has no superiority over a non-Arab nor a non-Arab has any superiority over an Arab; also a white has no superiority over black nor a black has any superiority over white except by piety and good action. Learn that every Muslim is a brother to every Muslim and that the Muslims constitute one brotherhood. Nothing shall be legitimate to a Muslim which belongs to a fellow Muslim unless it was given freely and willingly. Do not, therefore, do injustice to yourselves.*

*Remember, one day you will appear before ALLAH and answer your deeds. So beware, do not stray from the path of righteousness after I am gone.*

*O People, NO PROPHET OR APOSTLE WILL COME AFTER ME AND NO NEW FAITH WILL BE BORN. Reason well, therefore, O People, and understand words which I convey to you. I leave behind me two things, the QURAN and my example, the SUNNAH and if you follow these you will never go astray.*

*All those who listen to me shall pass on my words to others and those to others again; and may the last ones understand my words better than those who listen to me directly. Be my witness, O ALLAH, that I have conveyed your message to your people.*

## The Covenant of Umar

*In the name of Allah, the Most Merciful, the Beneficent. This is what the slave of Allah, Umar ibn Al-Khattab, the Emir of the believers, has offered the people of Illyaa' of security granting them Amaan (protection) for their selves, their money, their churches, their children, their lowly and their innocent, and the remainder of their people. Their churches are not to be taken, nor are they to be destroyed, nor are they to be degraded or belittled, neither are their crosses or their money, and they are not to be forced to change their religion, nor is any one of them to be harmed. It is required of the people of Illyaa' to pay the Jizya, like the people of the cities. It is also required of them to remove the Romans from the land; and whoever amongst the people of Illyaa' that wishes to depart with their selves and their money with the Romans, leaving their business and crosses behind, then their selves, their trading goods and their children are secure until they reach their destination. Upon what is in this book is the word of Allah, the covenant of His Messenger, of the Khulafaa' and of the believers if they (the people of Illyaa') gave what was required of them of Jizya.*

The witnesses upon this were Khalid ibn Al-Walid, 'Amr ibn al-'As, Abdur Rahman bin Awf and Muawiyah ibn Abi Sufyan. Written and passed on the 15th year (after Hijrah).





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